

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4928 of 2002
with
CIVIL APPLICATION NO.6327 OF 2002

For Approval and Signature:

Hon'ble MR.JUSTICE JAYANT PATEL

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

SHRINIDHI HARIHARBHAI PATEL

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 4928 of 2002
MR DASHRATH N PATEL for Petitioner No. 1
MR PRABHAKAR UPADYAY for Petitioner No. 1
GOVERNMENT PLEADER for Respondent No. 1-3
MR JC VYAS for Respondent No. 4
MR DR BHATT for Respondent No. 5
RULE SERVED for Respondent No. 5
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CORAM : MR.JUSTICE JAYANT PATEL

Date of decision: 04/10/2002

ORAL JUDGEMENT

Heard Mr.Girish K.Patel appearing for Mr.Upadhyay and Mr.Dashrath Patel for petitioner, Mr.Sompura for respondent Nos 11 to 3, Mr.J.C.Vyas for respondent No.4 and Mr.D.R.Bhatt for respondent No.5.

2. On 10.7.02 this court had passed order admitting the petition and giving interim directions. Thereafter, pursuant to said interim directions, meeting was conducted and the original petitioner had apprehension of not drawing genuine proceedings at the meeting and therefore this court had passed order on 26.9.02 directing the representative of the District Registrar to supervise the meeting which was to be held on 29.9.02 at the society. Today the Ld.AGP placed on record the report from the office of the Dist.Registrar stating that the annual general meeting of the society was held on 29.9.02 and it was supervised by Mr.P.J.Shah and Mr.M.T.Mistry who are working in the office of the Dist.Registrar and authorised for such purpose. A Committee is also constituted for such purpose out of 85 members who attended the said meeting. Therefore the annual general meeting is held. The said report is taken on record.

3. Mr.Patel for the petitioner submits that the annual general meeting was not properly held and the election did not take place in accordance with law. For such purpose, if the petitioner has any grievance, it will be open for the petitioner to raise a dispute under section 96 of the Act and this court is not expressing any final opinion on the same.

4. Mr.Patel for the petitioner also submitted that the documents which were demanded are till today not supplied. In response thereto on behalf of the society Mr.Bhatt contends that the petitioner has demanded the copy of the minute book which is practically impossible, but, still however, if the date of resolution is mentioned, the society has no objection in supplying the same. Further, it has also been submitted that the membership list also will be submitted to the petitioner within a week from today. Copy of bye-laws as well as copy of the audit report shall also be supplied to the petitioner. It is also made clear that necessary charges of xeroxing etc shall be paid by the petitioner for getting copy of bye-laws, membership list and other copies of resolutions, if the petitioner so desires.

5. In the above view of the matter, I find that no purpose would be served in continuing with this present proceedings since no further relief can be granted. However, it is made clear that the parties shall be at liberty to resort to other remedy, if otherwise, permissible under law.

6. Subject to aforesaid observations, petition is rejected. Rule is discharged. There shall be no order as to costs.

7. In view of the order on main petition, no orders on Civil Application No.6327/02 and civil application stands disposed of.

4.10.02 (JAYANT PATEL, J)